G. R. S. IX-5]

Previous references.

File No. 253

192/.

Serial Nos 1-2

(1922)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for Nov 21.

SUBJECT.

Re taking properties endowed to religious and charitable Trusts by philanthropic under the management of Govt

H.C. Kolar No 23489 dt 10.11.20

Govt are not willing to embark upon speculative litigation

WD 1888—GPB—16,626—28-7-21

Birthday Session June 1921

1542

Miscellaneous

Muzrai

21 xx

Muzrai

2 55-21

SUBJECT No. 63.

Ite taking properties endowed to religious and charitable institutions by philanthropists, under the management of Government in case of mismanagement.

Messrs Venkatasawy Iya, and Dorasamy Iyengar, Chamarajnagar Taluk.

Mr. Venkatasawmy Iya.—According to the rules now in force, Government do not interfere with properties endowed by philanthropists to religious and charitable institutions. It is observed in very many instances that the object with which the properties were endowed are not fulfilled and they are being enjoyed by the heirs of the philanthropists. If mismanagement is reported in the administration of endowments, the properties and securities may be immediately brought under Government management and the object of the donors fulfilled in its entirety.

Offg. First Member of Council.—There is provision in the Muzrai Regulation authorizing Government to take over under their management the properties of even non-muzrai charitable institutions which are grossly mismanaged. Are there any instances of such mismanagement?

Mr. Subbaraya Chetty.—In Bangalore, there is a charitable endowment of Rs. 40,000 out of which only Rs. 8,000 has come under the Muzrai Department; in Bitur, there is an endowment of Rs. 15,000; in another place Rs. 6,000; and in another place Rs. 3,000. Even if the connected people want, the executors do not come. Against the terms of the will, the property is used by the heirs for their own purposes. The executors do not care. They ask us to go to Court. The Muzrai Department does not recover the full amount. The same facilities as in pauper suits should be given.

Mr. Abbas Khan.—In the case of a trust in the Bangalore City, Government have ordered that the question should be decided in the Civil Court.

Offg. First Member of Council.—How best to give effect to the intentions of the members will be considered by Government.

Sub 62

This subject is almost the same as subject no 61. If cases are brought to the notice of Govt, action may be taken under sections 8 & 9 of the Muzrai ~~Act~~ Regulation Sub ? for orders.

SD 22/10/21 RA 24-10-21

The same reply as in the case of subject no 61

Second Member 28/10/21

97.0.

Birthday Session June 1921

1540

Miscellaneous 4 22

Misc

Imp

25-5-21

SUBJECT No. 61.

Charitable endowments
Mr K Subbaraya Chetty, Bowringpet Taluk

Mr K. Subbaraya Chetty—If a person executes a will setting apart cash for charitable purposes and if his heirs misappropriate it without carrying out the charitable object, the Muzrai Department declines to interfere on the ground that it has not been put in possession of the cash In such cases, either the Muzrai Department ought to intervene, or the persons interested in the carrying out of the charity permitted to file a Civil Suit without the payment of any institution fee

Offg First Member of Council—The matter will be enquired into.

Subd

In ~~the~~ cases of the kind in question, action may perhaps be taken under sections 8 & 9 of the Muzrai Regulation.

May the Dy: Comrs be asked to report ~~whether there are~~ all such cases in their districts and to propose the action to be taken with regard to them?

May the Govt. advocate be consulted unofficially?

SD 22/10/21

SG 24/10/21

Not necessary.

The Muzrai Department is not willing to embark upon speculative litigation. Whether it will interfere in any particular case does not depend upon the circumstances of that case but upon the general rule and last resort can be laid down—

C — to members who marked the subject was very particular case in view, he may make a representation about it to the Commr; who will in turn bring the matter to the notice of the Govt (Members)

28/10/21

25-14-150

29 10 21

Agree with the proposal. Ra Member may be informed accordingly

Dec
1.11.21

Draft 29/10/21

Draft sub'd
5/11/21

Typed 29/10/21

Typed draft sub'd
8/11

Issue
8/11/21

G R.S. III—3]

Routine Note.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

25-15-15-1
29.10.21 Yes. Quite so.

Well
1.11.21

Vide draft on R.A. subject no. 61-

82
5/11/21

2)
To, D.C. Kolar
No. 2348 dt. 10.11.21

States that Govt. are not
doing to embark on speculative
litigation & that if there are
any particular cases they
might be brought to the notice
of the D.C. in the first instance
who will report to Govt. if necy

N B Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

To

The Deputy Commissioner,

Kolar District, Kolar.

Sir,

2348

Muz 255-21-2

Q 10-11-21

In inviting your attention to Representative Assembly Subject Nos.61 and 65 of the Birthday Session of June 1921, regarding Charitable Endowments, I am directed to state that the member who mooted the subject, may be informed that Government in the Muzrai Department are not willing to -- embark upon speculative litigation. Whether they will interfere in any particular case or not will depend upon the circumstances of that case and no hard and fast rule can be laid down. If the member, who -- mooted the subject has any particular case in view, he may be asked to make a representation about it to you, when you may give it the needful attention.

I have etc.,

8/11/21

Secy: to Govt: Muz:: Dept:

Fair draft

HRR.

Comp

9/11

9/11/21